REMARKS

No amendment has been made in response to the outstanding Final Office Action dated August 19, 2009. The Examiner's reconsideration is respectfully requested in view of the following remarks.

Claims 1-15 are pending in the present application.

Claim Rejections Under 35 U.S.C. §112

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has stated: "It is unclear as to how the aluminum layer can be electrically connected with the positive **and** negative terminals and be electrically insulated from the negative **or** positive electrode. The aluminum layer electrically connected with a terminal would also have to be electrically connected with the electrode."

Claims 1, 8 and 9 are independent claims. Claims 2-7 are directly or indirectly dependent from Claim 1.

Regarding Claim 1, the Examiner has asserted that the aluminum layer can be electrically connected with the positive **and** negative terminals and be electrically insulated from the negative **or** positive electrode. However, the claimed invention is configured such that the aluminum layer can be electrically connected with a positive terminal **or** a negative terminal (**not both** positive terminal and negative terminal) and the aluminum layer is electrically insulated from a negative **or** positive electrode, as clearly recited in Claim 1. That is, if the aluminum layer is electrically connected with the positive terminal, it is electrically insulated from the negative electrode, and if the aluminum layer is electrically connected with the negative terminal, it is electrically insulated from the positive electrode.

Similar to Claim 1, Claims 8 and 9 is configured such that the aluminum layer is electrically insulated from a negative **or** positive electrode and an electrical connection between the aluminum layer and a positive **or** negative terminal is made by a piece made of an electrically conductive material, as clearly recited in Claims 8 and 9.

Applicants therefore respectfully request the Examiner to review the above submissions and withdraw the rejection of Claims 1-9 under 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Chang et al. (U.S. Patent No. 6,387,566; hereinafter, "Chang").

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 8-10 and 15 are independent claims. Claims 1-7 are directly or indirectly dependent from Claim 1. Claims 11-14 are directly dependent from Claim 10.

Claim 1 includes, *inter alia*, the following limitation:

> the aluminum layer of the battery package being electrically connected with the positive or negative terminal,

Claims 8 and 9 include, *inter alia*, the following limitation:

> form an electrical connection between the aluminum layer and the positive or negative electrode terminal

Claims 10 and 15 include, *inter alia*, the following limitation:

> at least one electrically conductive metal foil is electrically connected with either of positive and negative terminals

As above, the claimed invention is configured such that an aluminum layer or at least one electrically conductive metal foil is electrically connected with a positive or negative terminal. Thus, short circuit current can be dispersed toward the aluminum layer (or the at least one electrically conductive metal foil) inside the battery package when a local short circuit occurs between the positive and negative electrodes due to nail penetration, pressing, impact, exposure to high temperature and so forth (see line 20 on page 10 through lines 4 on page 11 of this application).

Chang discloses a polymer lithium ion battery with an aluminum foil coated with a polymer. As shown in Figs. 4A and 4B thereof, Chang discloses an ion battery, which includes case bodies 31a and 31b, negative sheets 33 and positive sheets 32, and connectors 36a and 36b. Fig. 4B shows an enlarged view of the connectors 36a and 36b. As shown in Fig. 4B, a polymer insulating layer 42, 43, 45 and 46 covers an aluminum layer 41 and 44. Further, exposed portions 37 and 38 of the aluminum layer 41 and 44 serve battery terminals (see lines 50-51 on column 2 of Chang). Furthermore, as clearly illustrated in Fig. 4B and lines 54-57 on column 2 of Chang, the aluminum layers 41 and 44 are electrically connected to the positive and negative electrode sheets 32 and 33 via the connectors 36a and 36b, **not** insulated from a negative or positive electrode.

FIG. 4A

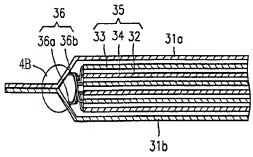
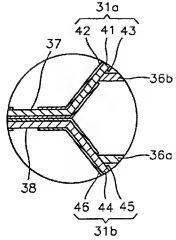
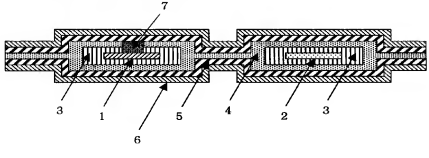


FIG. 4B



However, in the claimed invention, the aluminum layer 5 is electrically connected to a positive terminal 1 **or** a negative terminal 2, as shown in Fig. 5 of this application. In contrast, in Chang, the aluminum layer 37 and 38 itself serves battery terminals, **not** electrically connected to a positive or negative terminal. Further, the aluminum layer 37 and 38 is connected to the positive and negative sheets of the battery through connectors 36a and 36b, **not** electrically insulated from a negative or positive electrode.

Fig. 4 of the present application



Further, the claimed invention includes an inner adhesive layer. However, Chang does not disclose any inner adhesive layer.

Thus, Applicants submit that Chang fails to disclose the claimed aluminum layer or at least one electrically conductive metal foil being electrically connected with a positive or negative terminal, and the claimed adhesive layer.

It is therefore respectfully submitted that Change does not anticipate the claimed invention since it fails to disclose *all the elements and limitations* as set forth in Claims 1, 8-10 and 15.

Claims 1-7 and Claims 11-14 are also believed not anticipated by Chang, by virtue of their direct or indirect dependency from Claims 1 and 10 respectively.

Applicants respectfully request the Examiner to review the above submissions and withdraw the rejection of Claims 1-15 under 35 U.S.C. § 102(b).

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Reconsideration and subsequent allowance of this application are courteously requested.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number with any questions or comments regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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